IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE EIGHTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA, THE CHIEF JUSTICE

and
THE HON'BLE Ms. JUSTICE G.ROHINI

WRIT PETITION NO : 11191 of 2004

Between:

M/s. Tirumala Stone Crusher, Kannal, Kamanpur Mandal, Karimnagar District rep by Manager,
M. Mahender S/o Venkataiah

..... PETITIONER

AND

1 The State of A.P., rep by Secretary, EFS & T Dept, Secretariat Buildings, Hyderabad
2 A.P. Pollution Control Board, 2nd Floor Huda Complex Maitrivanam,SR. Nagar, Hyderabad-38, rep by Member Secretary
3 A.P. Pollution Control Board, Zonal Office, 4th Floor, Collectorate Building, Nampally, Hyderabad rep by JCEE
4 The Additional Assistant Engineer (OP), NPDCL, Kamanpur, Karimnagar District.
5 Pollution Control Appellate Authority, Lakdikapool, Hyderabad.

.....RESPONDENTS.

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order or direction more particularly one in the nature of Writ of Mandamus or any other appropriate order or direction declaring that not passing any orders in Appeal No. 28 of 2004 filed by the Petitioner on the file of the respondents No. 5 as

arbitrary, illegal, null and void consequently direct the respondent No.4 to restore the power supply to the petitioner's Industry Service connection until the disposal of the Appeal No.28 of 2004 filed by the petitioner on the file of respondent No.5 and to pass such other or orders.

Counsel for the Petitioner: Mr.K.VENUMADHAV

Counsel for the Respondents: Smt.M.VINOBHA DEVI

SC for R-4

Mr.S.V.Bhatt

SC for RR 2,3 &5

The Court Made the Following :

O R D E R :

In this petition, filed under Article 226 of the Constitution of India, the petitioner is praying for a direction that pending petitioner's appeal before the fifth respondent, direction be issued to the fourth respondent for restoration of electricity.

On our enquiry, learned counsel for petitioner submits that by the order passed on 17.1.2004 by the Additional Assistant Engineer (Operation), Karimnagar, electricity connection to the petitioner's unit has been discontinued and the said order was passed by the Additional Assistant Engineer on the basis of instructions received from the Divisional Engineer, Electrical-Operation, Peddapally, Karimnagar District.

The learned counsel for the petitioner submits that an appeal has been preferred against the order of fourth respondent under the provisions of the Air (Prevention & Control of Pollution) Act, 1981, and, since there is no Presiding Officer in the Appellate Court, direction be issued for restoration of electricity supply, till disposal of the appeal.

The appeal is stated to have been preferred only on 31.5.2004. Learned counsel for petitioner has not shown us any order purported to have been passed by any of the authorities under Water (Prevention and Control of Pollution) Act, 1974 or Air (Prevention and Control of Pollution) Act, 1981 or any other Environmental law. The impugned order dated 17.1.2004 makes a reference to non-compliance of order of the A.P.Pollution Control Board. The said order is stated to be not under challenge.

In the circumstances, no relief can be granted to the petitioner in this Writ Petition as prayed for. The Writ Petition, therefore, is dismissed. No costs.

DEVINDER GUPTA, CJ

8th July, 2004

(G.ROHINI, J)

VR.

To

1 The Secretary to Govt. of A.P.,EFS & T Dept, Secretariat Buildings, Hyderabad
2 The Member Secretary, A.P. Pollution Control Board, 2nd Floor Huda Complex Maitrivanam,SR. Nagar, Hyderabad-38.
3 A.P. Pollution Control Board, Zonal Office, 4th Floor, Collectorate Building, Nampally, Hyderabad rep by JCEE
4 The Additional Assistant Engineer (OP), NPDCL, Kamanpur, Karimnagar District.

5 Pollution Control Appellate Authority, Lakdikapool, Hyderabad.

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